

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

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JOEL GRAY,

Petitioner,

v.

TIM MURRAY, SUPERINTENDENT,  
GOWANDA CORRECTIONAL FACILITY,

Respondent.

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**NOTICE OF APPEAL**

06-CV-6257T

Notice is hereby given that Joel Gray, petitioner in the above-named case, appearing *pro se*, hereby appeals to the United States Court of Appeals for the Second Circuit from all of the decision of this Court entered on December 4, 2009.

Dated:

*December 28<sup>th</sup> 2009*

  
Joel Gray

**Appearing Pro Se**

Joel Gray (DIN 03B3081)  
Gowanda Correctional Facility  
P.O. Box 311  
Gowanda, NY 14070-0311

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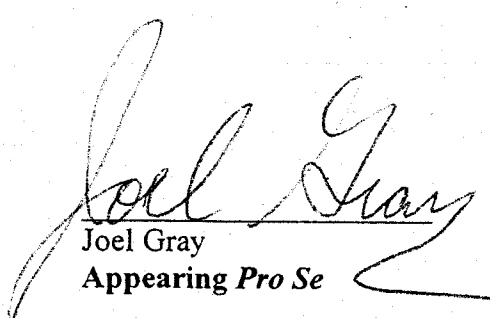
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THE LAW OFFICES OF  
**UNITED DEFENSE GROUP** LLP

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4181 Sunswept Dr., Suite 100, Studio City, California 91604 (818) 487-7400 Fax (818) 487-7414  
UNITEDDEFENSEGROUP.COM

January 26, 2010

Joel Gray 03B3081  
Gowanda Correctional Facility  
P.O. Box 311  
Gowanda, N.Y. 14070-0311

Re: Your Case Status

Dear Mr. Gray:

As requested, please find enclosed a copy of your online inmate information.

Also, we checked with the court and your Notice of Appeal has not been filed. It is possible that the court misplaced the notice. When did you send the notice? Did you send it with tracking and/or signature service? Please let us know so that we can address this issue as soon as possible.

Sincerely,



Oren Rosenthal

Enclosure

(If you are not having your signature notarized, use this form)

DISTRICT COURT OF THE STATE OF NEW YORK  
COUNTY OF ERIE

JOEL GRAY

AFFIRMATION OF SERVICE

-vs-

TIM MURRAY, Superintenden,  
Gowanda Correctional Facility

I, (print your name) JOEL GRAY, make the following  
affirmation under penalty of perjury: that I have served a copy of  
the attached (name(s) of the document(s) you served and are now  
filing)

NOTICE OF APPEAL

upon (name(s) of all other parties in this case) \_\_\_\_\_

U.S. District Court, Western Dist. of New York State, Rochester, N.Y. 12226

by mailing the document(s) to (name(s) of all other parties' attor-  
ney(s) ANDREW CUOMO, Attorney General, State of New York,

whose address(es) is/are: The Capitol, Department of Law, Albany, N.Y.

on (date service made) December 28, 2009

I declare under penalty of perjury that the foregoing is true and  
correct, to the best of my knowledge, information and belief, also  
that a notary is unavailable at the time of mailing this document.

Executed on

12/28/09  
(date)

Joel Gray  
(your signature)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK )

COUNTY OF ERIE )

SS.:

I, JOEL GRAY being duly sworn, deposes and says:

1. I am over eighteen (18) years of age and resides at the Gowanda Correctional Facility, P.O. Box 311, South Road. Gowanda, New York, 14070-0311.

2. On February 5<sup>th</sup>, 2010, I placed and submitted a true and exact copy of the within document(s) which consist of the following: NOTICE OF APPEAL

in a properly sealed, post paid wrapper and deposited same in an official depository of the United States Postal Service, said box being under exclusive care of the New York State Department of Correctional Services and is one established for the purpose of mailing correspondence, addressed for delivery to the following parties.

Hon. ANDREW CUOMO,U.S. DISTRICT COURTAttorney General, New York StateWESTERN DIST., NEW YORKThe Capitol, Department of LawU.S. COURTHOUSE, 100 State StAlbany, New York 12224Rochester,, New York 14614-1387UNITED DEFENSE GROUP4181 Sunswapt Dr., Suite 100Studio City, Cal. 91604

SWORN TO BEFORE ME THIS  
5 DAY OF Feb 2010

Respectfully Submitted,

Jonathan H. Burt  
 NOTARY PUBLIC

Joel Gray  
 Joel Gray, Defendant-Appellant  
 Gowanda Correctional Facility  
 P.O. Box 311  
 Gowanda, New York 14070-0311